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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,905

08/09/2006

Yasuhiro Ishikawa

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7590

10/06/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

BOYKIN, TERRESSA M

ART UNIT

PAPER NUMBER

1796

NOTIFICATION DATE

DELIVERY MODE

10/06/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/588,905	<b>Applicant(s)</b> ISHIKAWA ET AL.	
	<b>Examiner</b> Terressa M. Boykin	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-9-06;10-26-06</u>   | 6) <input type="checkbox"/> Other: _____                          |

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

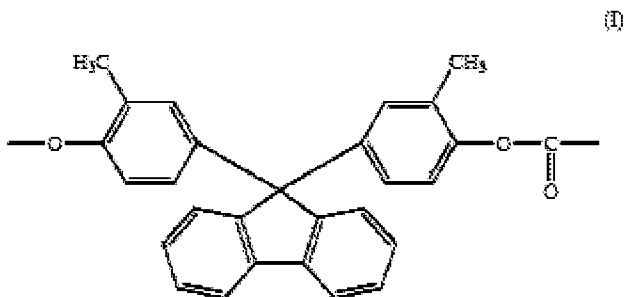
Office action:

A person shall be entitled to a patent unless –

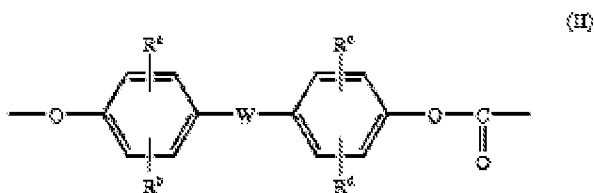
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 11- 30 are rejected under 35 U.S.C. 102(b) as being anticipated by 2005/0119441 see pages 1- 8 and paragraphs as shown below.**

**USPub 20050119441** discloses a polycarbonate copolymer having excellent heat resistance and dimensional stability and heat resistant parts comprising the copolymer and suitable for use in various applications. The present invention is a polycarbonate copolymer comprising 5 to 95 mol % of recurring unit (component a) represented by the following general formula (I):



and 95 to 5 mol % of recurring unit (component b) represented by the following general formula (II):



Note that the W may contain a CO or COO group which would anticipate applicants claimed invention. Further applicants X allows for the moiety III-2 as claimed.

With regard to the lens note [0359],[0360][0393],[0394],[0395] which states “To the prepared resins, 0.050% of bis(2,4-dicumylphenyl)pentaerythr- itol diphosphite and 0.10% of pentaerythritol tetrastearate were added, and the mixtures were pelletized by use of a vented .phi.30-mm single screw extruder and then injection molded into flat convex lenses each having an external diameter of 2.0 mm, a thickness at the center of 0.80 mm and a focal distance of 2.0 mm under molding conditions shown in Table 3 by use of the N-20C injection molding machine.

[0395] At the front and back of the molded flat, lens polarizing plates whose phase differences were shifted by 90.degree. were disposed.

With regard to its optical ability note [0313] discloses that, to the polycarbonate copolymer of the present invention, a higher fatty acid ester of a monohydric or polyhydric alcohol can also be added as required. By addition of the higher fatty acid ester of a monohydric or polyhydric alcohol, the mold releasability of the above polycarbonate copolymer from a mold at the time of molding is improved, and in molding of an optical article, a molding load is low and deformation of a molded article by improper mold releasing can be prevented.

Again with regard to the lens as well as the light guide plate and other optical articles made therefrom note [0105] which discloses light path converting part refers to a lens,

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prism, light guide plates and light guide which are optical elements used as parts for optical equipment. More specifically, the lens, refers to any lenses which have two spherical or non-spherical refractive surfaces and allow light to pass there through. Illustrative examples of the lens, include a spherical lens, a non-spherical lens, a Fresnel lens and a microarray lens,.

With regard to the inclusion of epoxy and siloxanes moieties note [0261] discloses as the aromatic phosphoric ester based flame retardant, triphenyl phosphate, tricresyl phosphate, cresyl diphenyl phosphate, resorcinol bis(dixylenylphosphate), bis(2,3-dibromopropyl)phosphate and tris(2,3-dibromopropyl)phosphate are preferred. Of these, triphenyl phosphate, tricresyl phosphate and resorcinol bis(dixylenylphosphate) that are aromatic phosphoric ester based flame retardants which do not cause destruction of the ozone layer are most preferred. As the fluorine based flame retardant, fluorinated polyolefins such as a fluorine resin, e.g., PTFE, particularly those which form fibrils are preferred. As the siloxane based flame retardant, a polysiloxane containing an aromatic ring is preferred.

[0251] Further, these metal based fillers may be converged by an olefin resin, a styrene resin, a polyester resin, an epoxy resin, an urethane resin or the like. These fibrous fillers may be used alone or in combination of two or more.

[0263] The conductive resin composition of the present invention can also contain other resins in such an amount that does not impair the object of the present invention.

[0264] Illustrative examples of the other resins include a polyester resin such as a polyethylene terephthalate, a polybutylene terephthalate or a polyethylene naphthalate, a polyamide resin, a polyimide resin, a polyether imide resin, a polyurethane resin, a polyphenylene ether resin, a polyphenylene sulfide resin, a polysulfone resin, a

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polyolefin resin such as a polyethylene or a polypropylene, a polystyrene resin, an acrylonitrile/styrene copolymer (AS resin), an acrylonitrile/butadiene/styrene copolymer (ABS resin), a polymethacrylate resin, a phenol resin and an epoxy resin.

The discloses a copolycarbonate prepared from the same components as claimed by applicants. Any properties or characteristics inherent in the prior art, e.g. flow value or viscosity, although unobserved or detected by the reference, would still anticipate the claimed invention. Note In re Swinehart, 169 USPQ 226. "It is elementary that the mere recitation of a newly discovered...property, inherently possessed by things in the prior art, does not cause claim drawn to those things to distinguish over the prior art". Since the disclosed amounts , i.e. mass parts and molecular weights, are expressed differently and thus may be distinct from those claimed, it is incumbent upon applicant(s) to establish that they are in fact different and whether such difference is unobvious. With regard to claim wherein Y may be a carbon chain, the CO as noted above does not exclude the existence of an aliphatic group within the COO group or moiety. In view of the above, there appears to be no significant difference between the reference(s) and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as novel and accordingly is unpatentable.

### **Correspondence**

**Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terressa Boykin whose telephone number is (571) 272- 1069 . The examiner can normally be reached at (571) 272-0580 on Monday through Friday from 9:30AM to 6:00PM.**

**If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck , can be reached at (571) 272- 1078 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.**

**Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

**/Terressa M. Boykin/  
Primary Examiner, Art Unit 1796**